



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION &  
FORESTRY  
MAINE LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PAUL RICHARD LEPAGE  
GOVERNOR

WALTER E. WHITCOMB  
COMMISSIONER

# PERMIT

## AMENDMENT B TO DEVELOPMENT PERMIT DP 4285

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Mike Theriault for Amendment B to Development Permit DP 4285, finds the following facts:

1. Applicant: Mike Theriault Construction LLC  
PO Box 731  
Greenville, Maine 04441
2. Date of Completed Application: May 22, 2014
3. Location of Proposal: Moosehead Junction Twp., Piscataquis County  
Plan 04, Lot 1.5
4. Zoning: (D-CI) Commercial Industrial Development Subdistrict
5. Lot Size: 2.1 Acres (owned)
6. Sewage Disposal: None
7. Principal Buildings: Existing Maintenance Garage (40 feet by 150 feet)  
Existing Wood Shed (24 feet by 25 feet)  
Proposed Sand and Salt Storage Shed (40 feet by 100 feet)

### Background

8. The applicant's lot is developed with an existing 40 foot by 150 foot Maintenance Garage and a 24 foot by 25 foot Woodshed on the 2.1 acre owned lot (previously owned by the Town of Greenville) with 327 feet of frontage on the Industrial Park Road.

### Proposal

9. The applicant proposes to construct a 40 foot by 100 foot Salt and Sand Storage Shed 24 feet in height on the currently existing paved parking area (impervious area) over the currently existing sand and salt pile to protect said pile from the contamination of surrounding resources. The proposed Sand and Salt Storage Shed would be setback 203 feet from the Industrial Park Road and 28 feet from property boundary lines. There is no proposed plumbing or wastewater disposal system for the proposed structure. The applicant is also notifying the Commission of a change of ownership.

NICHOLAS LIVESAY, EXECUTIVE DIRECTOR

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### **Review Criteria**

10. Under provisions of Section 10.21,A,3,c,(27) of the Commission's Land Use Districts and Standards other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale, and intensity as other allowed uses are an allowed use in a (D-CI) Commercial Industrial Development Subdistrict requiring a permit.

### **Review Comments**

11. The proposal was reviewed by the Maine Department of Environmental Protection and was acknowledged that the current storage site was registered in 2001 and is a legally existing salt and sand storage location. The MDEP also supported the proposal of the construction of the Sand and Salt Storage Shed as long as it operates in accordance with Chapter 574. Transfer of ownership was provided by the Commission to the MDEP to update their database.
12. The facts are otherwise as represented in Amendment B to Development Permit Application DP 4285 and supporting documents.

### **Based upon the above Findings, the staff concludes that:**

1. Under provisions of Section 10.21,A,3,c(27), of the Commission's Land Use Districts and Standards, within a Commercial Industrial Development Subdistrict (D-CI), the new construction of the Salt and Sand Storage Dry Shed is allowed upon issuance of a permit from the Commission and subject to the applicable requirements set forth in Sub-Chapter III. The proposed structure is of a similar type, scale, and intensity of the existing use and will improve the surrounding resources.
2. The proposed development complies with the minimum dimensional requirements of Section 10.26 of the Commission's Land Use Districts and Standards. Specifically, the proposed development complies with the minimum lot size, minimum road frontage, minimum setbacks, minimum lot coverage and maximum structure height.
4. The proposed development complies with all other applicable requirements set forth in Sub-Chapter III of the Commission's Land Use Districts and Standards.
5. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

### **Therefore, the staff approves the application of Mike Theriault Construction LLC with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. All structures and parking areas authorized pursuant to this permit shall be set back a minimum of 75 feet from nearest roadways (this requirement does not apply for a dead end access driveway into the facility) and 25 feet from property boundary lines.

3. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
4. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
5. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
6. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
7. Once construction is complete, the permittee shall submit a Certificate of Self Compliance, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 22<sup>nd</sup> DAY OF MAY, 2014.



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For Nicholas Livesay, Director